

KAYLON CARPENTER,)
)
Plaintiff,)
)
v.) No. 2:17-cv-02672-TLP-cgc
)
) JURY DEMAND
LANE COLLEGE AND)
WILLIAM SMITH III,)
)
Defendants.)

Defendants, Lane College and William Smith, III, move this Court to dismiss the case due to Plaintiff's lack of prosecution. (ECF No. 24). The Court held a Show Cause Hearing as to why this Motion should not be granted, and Plaintiff's counsel, Terrell Tooten, appeared on behalf of Plaintiff. Mr. Tooten advised the Court that he neglected to respond to the counsel for Defendants' request for deposition dates and he admitted that neither he nor his clients appeared for those depositions.

The Court finds that Mr. Tooten’s solution is adequate to address this matter. It would be unfair to penalize Plaintiff directly for the actions or inactions of her lawyer in this context. Therefore, the Court will DENY Defendants’ Motion to Dismiss for Lack of Prosecution. However, the Court will ORDER that Plaintiff’s counsel, Terrell Tooten, is

responsible for payment of the costs associated with the deposition of Plaintiff and her mother, which took place on August 16, 2018, at the offices of Defense counsel. Any additional requests for sanctions by Defendants are DENIED.

SO ORDERED, this 22nd day of August, 2018.

s/Thomas L. Parker

THOMAS L. PARKER
UNITED STATES DISTRICT JUDGE